

Company: Sol Infotech Pvt. Ltd.

Website: www.courtkutchehry.com

**Printed For:** 

Date: 28/10/2025

## Narayanan Nambiar Vs Ambu Kunhi

C.R.P. No. 46 of 1962

Court: High Court Of Kerala

Date of Decision: Aug. 3, 1964

**Acts Referred:** 

Civil Procedure Code, 1908 (CPC) â€" Section 2(2), 47

Citation: (1964) KLJ 944

Hon'ble Judges: M.S. Menon, C.J; M. Madhavan Nair, J

Bench: Division Bench

Advocate: T. Karunakaran Nambiar, for the Appellant; K.S. Subramania lyer, for the

Respondent

Final Decision: Dismissed

## **Judgement**

## @JUDGMENTTAG-ORDER

Madhavan Nair J.

1. This petition is to revise an order of the Munsif, Taliparamba, dismissing an execution petition filed in O.S. No. 869 of 1951 on his file. The

order being one within the scope of Section 47, Code of Civil Procedure, the remedy of the aggrieved decree holder is an appeal

section, and not an application for revision in the High Court direct. The Supreme Court has held in Major S.S. Khanna Vs. Brig. F.J. Dillon, :

If an appeal lies against the adjudication directly to the High Court, or to another Court from the decision of which an appeal lies to the High Court,

it has no power to exercise its revisional jurisdiction, but where the decision itself is not appealable to the High Court directly or indirectly, exercise

of the revisional jurisdiction by the High Court would riot be deemed excluded.

Orders u/s 47, C.P.C., are decrees within the definition of Section 2(2), C.P.C. and are therefore in the province of a second appeal in this court.

It follows from the dictum of the Supreme Court quoted above that a Civil Revision Petition cannot lie in the matter.

The Civil Revision Petition fails and is dismissed.